

VZCZCXRO7527
RR RUEHFL RUEHKW RUEHLA RUEHNP RUEHROV RUEHSR
DE RUEHYE #1010/01 3511410
ZNY CCCCC ZZH
R 161410Z DEC 08
FM AMEMBASSY YEREVAN
TO RUEHC/SECSTATE WASHDC 8419
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHLMC/MILLENNIUM CHALLENGE CORPORATION WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 001010

SIPDIS

E.O. 12958: DECL: 12/14/2018
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KDEM](#) [KJUS](#) [AM](#)
SUBJECT: AMBASSADOR'S INTRODUCTORY CALL WITH NEW CASSATION
COURT PRESIDENT

REF: YEREVAN 773

YEREVAN 00001010 001.2 OF 002

Classified By: AMB Marie L. Yovanovitch, reasons 1.4 (b,d).

SUMMARY

¶1. (C) On December 2, the Ambassador had an introductory meeting with Judge Arman Mkrtumian, the newly appointed President of Armenia's Cassation Court, and Karen Matevosian, Head of the Judicial Department of the Court. The judicial officials briefed the Ambassador on planned reforms to the Cassation Court, and the adoption of the case law system in Armenia. They also agreed with the Ambassador that the recently approved increase in judges' salaries is a positive anti-corruption measure that should bolster the judiciary's independence. END SUMMARY.

PLANNED CASSATION COURT REFORMS

¶2. (C) On December 2, the Ambassador had an introductory meeting with Judge Arman Mkrtumian, the newly appointed President of the Cassation Court of Armenia, and Karen Matevosian, the Head of the Judicial Department of the Cassation Court. (COMMENT: The Cassation Court is the highest judiciary body in Armenia for all cases that do not pose Constitutional issues. Armenia's President Serzh Sargsian appointed Mkrtumian President of the Court of Cassation on September 17, a day after his predecessor Hovhannes Manukian abruptly resigned (reftel). Media reports at the time speculated that President Sargsian engineered the shakeup in order to have someone personally loyal to him in the position. A senior presidential staffer told CDA at the time that Manukian had been forced to resign due to his tolerance of corruption. END COMMENT.)

¶3. (C) According to the officials, Armenia's parliament recently approved -- in a first reading only that still requires a second and third reading before enactment -- a judicial reform package that will improve the operations of the Cassation Court. The planned reforms will do the following: a) broaden the right to bring a case to the Cassation Court so that individual citizens may directly apply to the court for relief, without being required to apply through specially licensed advocates, which had become a source of corruption; b) augment the number of judges to the Cassation Court, with an emphasis on specialization for those sitting in the Criminal Chamber or the Civil Chamber (at present there are seven Cassation Court judges; that will be increased to seventeen); c) clarify the procedures and remedies on how newly discovered evidence may be considered by the courts; and d) abolish Armenia's specialized courts in order to promote judicial economy, with their work being

consolidated into the existing sixteen regional district courts. Ten of the specialized court judges will be transferred to the Cassation Court and the remaining thirty-three will serve in the regional district courts. The President of the Cassation Court told the Ambassador that he was hopeful that greater specialization within each regional court, on the civil and criminal sides, would promote efficiency, result in better judicial decisions, and reduce the number of appeals.

ARMENIA'S ADOPTION OF CASE LAW

14. (C) The Ambassador and President Mkrtumian discussed the degree to which Armenia has adopted the case law system of jurisprudence. Mkrtumian maintained that Armenia has adopted the case law system to a great extent, that the Cassation Court must follow the cases of the European Court of Human Rights, and that the decisions of the Cassation Court are binding on Armenian judges. When asked about what challenges still existed to make the law in Armenia more predictable and reliable, the President of the Court acknowledged that there is still a way to go, as "the Cassation Court has not yet found its exact place in the system." When asked about how the rulings of the European Court of Human Rights affect Armenian jurisprudence, President Mkrtumian stated that the European Court had a "huge influence," as Armenian judges must follow the decisions of the European Court. The judge noted that the members of his Court studied the errors of other countries, as discussed in the decisions of the European Court, as well as cases directly involving Armenia.

MORE PAY FOR JUDGES, LESS CORRUPTION

YEREVAN 00001010 002.2 OF 002

15. (C) The Ambassador noted the fact that Armenia's parliament had recently doubled the salaries of judges, and said this was a good sign to ensure quality and promote the independence of Armenia's judiciary. President Mkrtumian concurred, and stated that the salary increase was a major victory in efforts to deter corruption. President Mkrtumian was hopeful that the total compensation received by a judge over the course of his career, including his pension, would be sufficiently high so that Armenian judges would not risk that compensation by soliciting or receiving bribes.

COMMENT

16. (C) Armenia's judiciary remains beset by serious and endemic problems. Low judicial salaries have spawned bribery and corruption, the Cassation Court's decisions have been scattershot, with no uniform application of the law, and public confidence in the courts historically has been low. The public's confidence sagged even further in the wake of Armenia's post-election unrest in March, and the Armenian procuracy's overwhelmingly "successful" prosecution rate -- since then -- of scores of political opponents of the ruling regime. Most significantly, the judiciary remains a tool of the executive branch, with the judicial branch taking its cues from the president on all major issues. Against this daunting backdrop, it will require significant political will to move the Armenian judiciary in the right direction. If Mkrtumian manages to live up to his touted reformist streak, and bring about a more efficient court administration, we could realistically see some slight yet positive changes to the judiciary. The higher judicial salaries, while long overdue, are definitely a step in the right direction.
YOVANOVITCH